

**District of Columbia
Court of Appeals**

No. M-248-15

A M E N D E D N O T I C E
(FILED - August 11, 2015)

The District of Columbia Court of Appeals is considering whether to adopt an amendment to D.C. App. Rule 10 (b)(5)(B). In its current form, that Rule reads:

In all cases in which the appellant has been permitted to proceed in the Superior Court under the Criminal Justice Act, see D.C. Code § 11-2601 et seq. (2001), the notice of appeal will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government. A copy of the notice and of the docket entries will be transmitted by the Clerk of the Superior Court to the Court Reporter Division for preparation of the transcript. The transcript prepared will consist of the entire trial proceeding through verdict except the voir dire of the jury and the opening statements of counsel, and may include, upon the written request of the appellant's counsel to the Court Reporter Division, the transcript of any pretrial evidentiary hearing on a motion to suppress evidence. A request for the preparation of any other proceeding must be made, on motion with notice, to the appropriate motions or trial judge. See *Gaskins v. United States*, 265 A.2d 589 (D.C. 1970).

The proposed amendment would replace the last two sentences of the Rule with a new sentence, as indicated below:

In all cases in which the appellant has been permitted to proceed in the Superior Court under the Criminal Justice Act, see D.C. Code §

11-2601 et seq. (2001), the notice of appeal will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government. A copy of the notice and of the docket entries will be transmitted by the Clerk of the Superior Court to the Court Reporter Division for preparation of the transcript. ~~The transcript prepared will consist of the entire trial proceeding through verdict except the voir dire of the jury and the opening statements of counsel, and may include, upon the written request of the appellant's counsel to the Court Reporter Division, the transcript of any pretrial evidentiary hearing on a motion to suppress evidence. A request for the preparation of any other proceeding must be made, on motion with notice, to the appropriate motions or trial judge. See *Gaskins v. United States*, 265 A.2d 589 (D.C. 1970).~~ The transcript prepared will include pretrial hearings on motions, voir dire, openings, the testimony and evidence presented by the parties, closings, the charge to the jury, the verdict, and sentencing, as well as any other proceeding in the case designated by counsel pursuant to Rule 10 (b)(1)(A).

This NOTICE is published to afford interested parties an opportunity to submit written comments concerning this proposed amendment. Ten copies of any comments, addressed to the Clerk, District of Columbia Court of Appeals, 430 E Street, N.W., Suite 209, Washington, D.C. 20001, should be received by August 17, 2015.